



Entered on Docket
January 13, 2009

Hon. Linda B. Riegle
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Affects:
☒ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegle

**ORDER APPROVING
SETTLEMENT WITH PIERCY,
BOWLER, TAYLOR & KERN,
PC**

On December 23, 2008 this Court held a hearing on the *Application to Compromise and Settle Controversies with Piercy, Bowler, Taylor & Kern, PC* (the "Motion") filed by Geoffrey Berman

1 (“Berman” or the “Trustee”), Trustee of the USACM Liquidating Trust (the “USACM Trust”) and Michael
2 Tucker (“Tucker” or the “Manager”), Manager of the USA Capital Diversified Trust Deed Fund, LLC
3 (“DTDF”). The Motion requested: (1) an Order Approving Settlement, and (2) for an Order pursuant to
4 Nevada Revised Statute §17.245, et seq. barring claims against Piercy, Bowler, Taylor & Kern, PC
5 (“PBTk”) for indemnity and/or contribution. The relief requested is hereby GRANTED IN PART AND
6 DENIED IN PART.

7 Pursuant to the Motion and as set forth in the separate Findings of Fact and Conclusions of Law
8 entered pursuant to Bankruptcy Rules of Procedure 9014 and 7052, and Federal Rule of Civil Procedure 52,
9 this Court GRANTS the following relief:

10 1. The Settlement Agreement, Mutual Release, and Covenants dated July 18, 2008 between
11 the Trustee, the USACM Trust, the Manager, DTDF, and PBTk (the “Settlement Agreement”) is approved
12 pursuant to Federal Rule of Bankruptcy Procedure 9019.

13 2. This Court shall retain jurisdiction to interpret and enforce the terms of the Settlement
14 Agreement and this Order Approving Settlement.

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16 All other relief requested, including the request for a bar order pursuant to NRS § 17.245, is
17 DENIED.

CERTIFICATION PURSUANT TO LOCAL RULE 9021

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

_____ The court has waived the requirement of approval under LR 9021

_____ No parties appeared or filed written objections, and there is no trustee appointed in the case.

 X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]

Approved Timothy R. O'Reilly /s/ Timothy R. O'Reilly

Approved Vincent O'Gara /s/ Vincent O'Gara

DATED: January 5, 2009

/s/ P. Jason Collins

P. Jason Collins

*Counsel for USACM Liquidating Trust and
USA Capital Diversified Trust Deed Fund, LLC*

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